

OCT 23 2003

**CATHY A. CATTERSON
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIC THOMAS FRIEDLANDER,

Defendant - Appellant.

No. 03-10045

D.C. No. CR-02-00011-RLH

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Roger L. Hunt, District Judge, Presiding

Submitted October 10, 2003**
San Francisco, California

Before: HAWKINS, THOMAS, and CLIFTON, Circuit Judges.

The claim of Defendant-Appellant Eric Thomas Friedlander (“Friedlander”) that the district court was obligated to hold an evidentiary hearing on his motion to

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

suppress fails because his moving papers were not sufficiently specific and detailed so as to “enable the court to conclude that contested issues of fact going to the validity of the search are in issue.” United States v. Walczak, 783 F.2d 852, 857 (9th Cir. 1986); see also United States v. Howell, 231 F.3d 615, 620 (9th Cir. 2000). The determination of the district court that Friedlander’s motion to suppress was based on suspicion and conjecture is supported by the record.

AFFIRMED.